

# MONO COUNTY PLANNING COMMISSION

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## MINUTES July 13, 2006 (Adopted August 10, 2006)

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**Commissioners present:** Ron Black, Rick Kattelman, Sally Miller, Scott Bush, Steve Shipley.

**Staff present:** Scott Burns, director; Keith Hartstrom & Larry Johnston, principal planners; Evan Nikirk & Walt Lehmann, public works; Mark Magit, assistant county counsel; C.D. Ritter, commission secretary.

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**1. CALL TO ORDER:** Chair Rick Kattelman called the meeting to order at 10:07 a.m.

**2. PUBLIC COMMENT:** No items.

**3. MEETING MINUTES:** Review minutes of June 8, 2006.

**MOTION:** Adopt minutes of June 8, 2006, as presented. (Bush/Miller. Ayes: 4. Abstain due to absence: Kattelman.)

**4. CONSENT AGENDA:**

**FINAL APPROVAL, PARCEL MAP 37-175/Blackard.** The parcel map will subdivide APN 60-170-06, totaling 1.02 acres (gross), into two residential lots of approximately 20,300 sq. ft. (net) each. The property is located on Juniper Drive in the community of Crowley Lake. The General Plan designation is Single-Family Residential with a minimum lot size of 15,000 sq. ft. The Planning Commission conditionally approved a tentative parcel map at a public hearing conducted Feb. 12, 2004, and granted a one-year map extension on April 6, 2006. *Staff: Evan Nikirk*

Bob Blackard, son of deceased, spoke briefly on behalf of immediate family members. He brought six letters and 72 signatures opposing the lot split. Prior to his death, his father's two sisters had a 57-page living trust drawn up and wanted to proceed with the lot split.

Mark Magit acknowledged a sad, unfortunate situation involving people with different expectations. The map was approved in 2004 by a previous commission, and the current landowner has a vested right.

Dave Lavery, Triad/Holmes Associates, said he was originally hired by the dad, and now his sisters want to complete the final map. It's a ministerial item. He didn't know the dad well, but in about 20 conversations the dad had indicated wanting to "get this done." He never once heard a reluctance to proceed.

Commissioners Miller and Bush empathized with the son, but honored private property rights. They wished he had objected when the split was up for approval in 2004.

**MOTION:** Authorize the chair's signature on Parcel Map 37-175, indicating approval. (Miller/Bush. Ayes: 5-0.)

**5. PUBLIC HEARINGS:**

**A. USE PERMIT MODIFICATION 31-96-04/Hummel.** The proposal is for the addition of a 28' x 60' mini-storage building on APN 02-353-07, located at 107384 Highway 395 in Walker. This would increase the number of storage buildings from two to three. The mini-storage was approved in 1996 as Use Permit 31-96-04.

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DISTRICT #1  
COMMISSIONER  
Rick Kattelman

DISTRICT #2  
COMMISSIONER  
Steve Shipley

DISTRICT #3  
COMMISSIONER  
Ron Black

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Sally Miller

The General Plan designation is Estate Residential (ER) and Mixed Use with a one-acre minimum (MU 1). *Staff: Greg Newbry/Keith Hartstrom*

Keith Hartstrom outlined the proposed project and its problem areas: county sign (removal, relocation or conversion to a monument sign on a base) and septic under the driveway. Approval could have been granted for multiple buildings, but no staged development plan has been proposed.

**OPEN PUBLIC HEARING.** No comments. **CLOSE PUBLIC HEARING.**

**DISCUSSION:** The property owner has been conscientious in the past.

**MOTION:** Find that the project qualifies as a Class 3 Categorical Exemption; make the required findings as contained in the project staff report; and approve Use Permit Modification 31-06-04 subject to the noted Conditions of Approval. (Bush/Black. Ayes: 5.)

**B. SECOND ONE-YEAR EXTENSION, TENTATIVE TRACT MAP 37-51/Wofford.** The proposed division would divide APN 26-090-38, totaling 92.5 acres, into 17 lots. The property is located approximately 1½ miles north of the community of Chalfant on the west side of U.S. Hwy. 6. The General Plan designation is Rural Mobile Home, with two- and five-acre minimum lot size (RMH 2 and RMH 5). *Staff: Keith Hartstrom*

Keith Hartstrom reviewed the second extension request for 72 residential lots north of Chalfant with a range of lot sizes on flat, open sagebrush area.

Applicant Don Wofford said he is working on issues, needs protection in case he misses deadline.

**MOTION:** Approve the second one-year extension of Tentative Tract Map 37-51 to July 15, 2007, subject to the previous Conditions of Approval and Mitigation Monitoring Program. (Shipley/Miller. Ayes: 5.)

**C. VARIANCE 06-02/C&L Development.** The applicant is requesting a variance from Mono County Code noise section 10.16.090,B.6 to allow water well test drilling (with additional noise mitigation) 24 hours/day, 7 days/week, until the water well testing is completed. The site is located on a 53-acre parcel, Assessor's Parcel #26-330-02, in the community of Paradise in southern Mono County. Currently, the Code states, "The following acts, and the causing or permitting thereof, are declared in violation of this chapter: Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7 p.m. and 7 a.m., or at any time on Sundays, weekends or holidays, such that sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance issued by the planning commission..." The project is exempt per CEQA (Class 6 - 15306) - resource evaluation activities. A similar request in December 2005 was denied by the Planning Commission. *Staff: Larry Johnston*

Larry Johnston presented background and explained that the EIR requires proof of water on site. The northeast well was inadequate to serve the entire project. A second well has encountered problems, including drilling only 12 hr/day. At a meeting last night Paradise residents came up with a compromise shown on meeting notes distributed by Haven Kiers.

**OPEN PUBLIC HEARING.** Supervisor Hap Hazard, via speaker phone, reported that the developer had met with 40 community residents. Health and sleep issues arose for those in close proximity where terrain features amplify noise, so they opposed nonstop drilling. Hay bales might lessen noise, but total silence would be unlikely. Hay bale effectiveness would be evaluated prior to Aug. 1. Residents were displeased about continuous drilling, but with a limit on duration (10 days), they supported the final agreement 100%.

Mark Magit indicated that despite what the community had agreed to, there's a process to follow. Johnston noted that approval has a 15-day appeal period. During the 15 days, the new mitigation could be tested. Residents were asked to e-mail feedback on effectiveness of mitigation to Supervisor Hazard, who would then represent residents at the Aug. 1 mitigation confirmation.

After considerable discussion, it was determined that: 1) installation of casing was an integral part of the drilling process; 2) differences from the earlier variance request included equipment change, improvements, hay bales for noise mitigation, greater understanding of issues, a nonstop drilling end date, built-in reevaluation at Mono Supervisors, community involvement, and access to Supervisor Hazard to represent residents at the Board level; and 3) mitigation monitoring would be added prior to commencement of continuous drilling.

**OPEN PUBLIC HEARING.** Matt Lehman, proponent, said he heard the community's arguments, and wanted to complete the drilling and eliminate long-term noise. He described a newer drill rig with a shock absorber, shaker, and addition of hay bales. Success with hay bales will not be known till it's done. **CLOSE PUBLIC HEARING.**

**MOTION:** Approve Variance 06-02 with findings as set forth in staff report and subject to Conditions of Approval: 1) In addition to noise mitigation attempted by the applicant preceding this variance request, additional noise mitigation shall be installed in the form of hay bales at least 10' higher than stationary noise sources, in a 180-degree arc around each stationary noise source (or equivalent noise attenuation), minimizing the noise effects on the community of Paradise by not exceeding 60 dBA daytime and 50 dBA during the nighttime. As soon as the noise mitigation is installed, the Community Development Department is to monitor noise twice/day (morning and evening) on a minimum of three separate days prior to the Mono County Board of Supervisors' confirmation meeting date (see #4 below). 2) All expenses incurred by Mono County to monitor noise impacts following installation of the additional noise mitigation shall be paid by the applicant. 3) Drilling is allowed 24 hr/day for 10 days, but must cease from 7 p.m. Fridays until 7 a.m. Mondays. Well casing installation may proceed 24 hr/day until complete. 4) This variance is subject to confirmation by the Mono County Board of Supervisors at its meeting of Aug. 1, 2006 (or subsequent meeting if needed). (Miller/Bush. Ayes: 5.)

**DISCUSSION:** Commissioner Black thought it unnecessary to refer this to the Mono Supervisors instead of approving the variance without extra conditions. It would go to the Board because it is not known if mitigation will work. Commissioner Shipley saw it as trying to facilitate the proponent's time restriction, and predicted hay bales should absorb the noise. Commissioner Miller thanked Supervisor Hazard for conducting a citizen meeting so residents wouldn't need to travel here today. Supervisor Hazard had found 14-1 opposition in winter, and now that windows are open in summer, residents needed to feel some control over their destiny the next few months.

*--- Supervisor Black exited at 12:30 p.m. ---*

**6. WORKSHOP: MONO COUNTY MULE DEER.** *Tim Taylor, DFG associate wildlife biologist*

Only Rocky Mountain mule deer are found in Mono County, and California mule deer (all-black tail) are found west of the Sierra. All herds are migratory with distinct ranges for winter, transition and summer. Deer are defined by six winter ranges. The Round Valley herd has the smallest range, but the largest population. Sometimes deer travel 100 miles during migration, and herd overlap occurs; e.g., the Round Valley herd goes toward Kings Canyon for summer. Winter ranges typically are lower elevation and have small concentrated populations. Large numbers of deer congregate for 6-10 weeks in holding areas awaiting snowmelt, searching for high-quality forage. Adult females show strong fidelity to summer ranges, seeking suitable fawning habitat on four national forests, two national parks, and six counties. Population is assessed by helicopter surveys. When deer population rises, lion increase follows several years later. The DFG manages hunting (bucks only) in X12 and X9A regions.

In a wagon wheel analogy, summer range is the wheel, winter range is the hub, and migration routes are the spokes. Migration corridors are traditional routes oriented along major topographic features. Deer show strong fidelity to these routes, a learned behavior from generation to generation.

Threats to deer include tree encroachment, wildfire, invasive weeds, and collisions with cars. Local conservation efforts involve not only fire restoration bitterbrush planting and an under crossing at Sonora junction, but also water development, conservation easements and land acquisition. Tall

fences (8') deter jumping, and deer would follow along the fence to an under crossing (12' x 12' box culvert). Finding good under crossings is difficult.

Do corridor changes from development create movement shifts? Yes; if development continues, fewer deer will be seen. Deer in Swall Meadows have to be there – there's no place else to go. They eat bitterbrush, sagebrush and edible plants on properties. Maybe fences should be prohibited around single-family residences on 40- or 80-acre properties. Commissioner Shipley suggested site-specific building areas so that certain regions couldn't be cleared. It would not limit people, but would keep them from destroying habitat. Taylor suggested that realtors alert potential buyers about building in sensitive areas.

## **7. REPORTS:**

**A. DIRECTOR:** 1) Inclusionary Housing Ordinance: Takes effect July 13, with a location factor, annual review, and deals with big projects. 2) Ch. 40: Removal of affordable residential units requires replacement units or accommodations for residents. 3) Code/GP changes: Being packaged for a hearing by fall. 4) Land tenure planning: Working with federal agencies on master plan for public lands available for exchange into private ownership, Mono is hosting website, checking with RPACs to see where communities want to expand. 5) Virginia Lakes: Emerging issue as a result of avalanche policy: Instead of building a house, an RV for summer (remove in winter) could be authorized by Director Review. It would minimize damage to structures and occupant exposure to avalanche hazard. Owners of nicer homes, however, complain about RV use. Staff met with property owners to discuss the issue. The General Plan does not provide guidance, so a Virginia Lakes RPAC might form. 6) General Plan update: Staff is quietly updating the General Plan's seven elements, primarily through projects under way. (A) *Space/Conservation Element*: Watershed planning through a grant would help update this element. (B) *Noise Element*: Examining policies based on old data. (C) *Circulation Element*: The LTC-adopted Regional Transportation Plan. (D) *Land Use Element*: A variety of development standards need adjustment. 7) Master Environmental Assessment: Being updated, with hazard mitigation and watershed planning. 8) Crowley Lake Estates: Proposal denied by Mono Supervisors. Housing Authority has received preapplication resubmittal with residential lots. Staff said developer must do pump tests and water analysis first. Developer will contact his lawyer. 13) Energy corridor: Will pass through Tri-Valley, causing concern. 9) June Lake: Coalition is moving forward. Commissioner Miller suggested visual simulations so community could see what Rodeo Grounds might look like. 10) Tri-Valley Groundwater District: Showed interest in commenting on development. Its role would be as an authority to make a determination of overdraft and place a moratorium on development and water-consumption activities. 11) Airport Land Use Commission: Hartstrom coordinated ALUC meeting.

**B. PLANNING COMMISSIONERS: Black:** Presentation on Rodeo Grounds reported no significant water issues, ample supplies from two sources, no drawdown on spring-fed June Lake. **Shipley:** Conversion to condos removes affordable housing. **Magit:** No condo conversion ordinance exists, and transient occupancy rental violates the law. Maybe rezone June Lake to accommodate Transient Occupancy Tax.

## **8. INFORMATION:** No items.

## **9. ADJOURN:** 2:13 p.m.

Respectfully submitted,  
C.D. Ritter, commission secretary